

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CRAWFORD, et al.

Civil Action No.:
15-cv-00986-GTS-TWS

Plaintiffs,

v.

V & J UNITED ENTERPRISES, LLC, et al.,

Defendants.

STIPULATED ORDER OF DISMISSAL
PURSUANT TO FRCP 41(a)(2)

WHEREAS, Plaintiffs Samantha Crawford and William Lewis filed the August 12, 2015 Complaint against Defendants V & J United Enterprises LLC, V & J National Enterprises, LLC and Pizza Hut of America LLC (collectively the "Parties") asserting a single claim under New York Labor Law § 196-d (the "Matter");

WHEREAS, on February 29, 2016, V & J Employment Services, Inc., on behalf of V & J United Enterprises LLC and V & J National Enterprises, LLC (the "V & J Defendants") tendered payment to Plaintiffs Crawford and Lewis (the "February 29th Tender");

WHEREAS, the February 29th Tender provides Plaintiffs with more than the maximum amount of delivery fees, liquidated damages and interest than they would be entitled to receive if they prevailed on their claims in the Matter;

WHEREAS, the February 29th Tender was not an offer of judgment, or an admission of liability;

WHEREAS, Defendants contend the February 29th Tender moots Plaintiffs' claims for delivery fees, liquidated damages and interest under Section 196-d of the New York Labor Law (the "Section 196-d Claims") and further contend that the February 29th Tender does not constitute an offer of settlement;

WHEREAS, Plaintiffs dispute the February 29th Tender moots the Matter and further disputes the February 29th Tender does not constitute a settlement offer;

WHEREAS, Plaintiffs claim that they are also entitled to attorneys' fees and costs;

WHEREAS, Defendants dispute that Plaintiffs are entitled to attorneys' fees and costs;

WHEREAS, to avoid further motion practice in the Matter, the Parties have successfully settled Plaintiffs' claim for attorneys' fees and costs;

WHEREAS, no Party hereto is an infant or an incompetent person; and

WHEREAS, Plaintiffs claims are only under the New York Labor Law and not the Fair Labor Standards Act.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned Parties and ordered by this Court that this action is hereby dismissed in its entirety as follows:

1. V & J Employment Services, Inc. is hereby joined as a Defendant in this Action;

and

2. This Matter, including Plaintiffs' claims for attorneys' fees and costs, are dismissed with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. This dismissal is without costs, attorneys' fees, penalties, expenses or disbursements to any Party as against another.

Dated: March 25, 2016

BOND, SCHOENECK & KING, PLLC

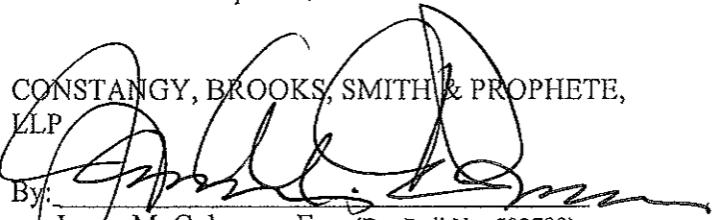
By: Sharon M. Porcellio
Sharon M. Porcellio, Esq. (Bar Roll No. 102382)
Katherine McClung, Esq. (Bar Roll No. 518297)

Avant Building, Suite 900
200 Delaware Avenue
Buffalo, New York 14202-2107
Fax: (716) 416-7001

350 Linden Oaks, Suite 310
Rochester, New York 14625
Telephone: (585) 362-4700
Fax: (585) 263-4701

Attorneys for Defendants V & J Employment Services, Inc., V & J United Enterprises, LLC and V & J National Enterprises, LLC

CONSTANGY, BROOKS, SMITH & PROPHETE,
LLP

By: 
James M. Coleman, Esq. (Bar Roll No. 502788)
Maureen R. Knight, Esq. (Bar Roll No. 303144)
Naveen Kabir (Bar Roll No. 517455)

12500 Fair Lakes Circle, Suite 300
Fairfax, VA 22033
Telephone: (571) 522-6100
Fax: (571) 522-6101

620 Eighth Avenue, 38th Floor
New York, NY 10018
Telephone: (646) 341-6530

Attorneys for Pizza Hut of America, LLC

BRONSON LIPSKY LLP



By: _____
Douglas B. Lipsky, Esq. (Bar Roll No. 516831)
630 Third Avenue
New York, NY 10017
Telephone: (212) 392-4772
Fax: (212) 444-1030

Jeffrey M. Gottlieb, Esq. (Bar Roll No. 302238)
Dana L. Gottlieb, Esq. (Bar Roll No. 519625)
Gottlieb & Associates
150 East 18th Street, Suite PHR
New York, New York 10003
Telephone: (212) 228-9795
Fax: (212) 982-6284

Attorneys for Plaintiffs

SO ORDERED THIS

____ day of _____, 2016

Glenn T. Suddaby
United States District Court Judge